

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. PASCO, from the Committee on Claims, submitted the following

REPORT:

[To accompany H. R. 3223.]

The Committee on Claims, to whom was referred the bill (H. R. 3223) for the relief of John M. Eddy, Elizabeth K. Carroll, Alice B. Eddy, and Frank M. Eddy, having given the matter careful examination, respectfully submit the following as their report thereon:

The claimants are the surviving children and heirs at law of Mary J. Eddy, late of Shawneetown, Ill., deceased. Mrs. Eddy at the beginning of the late war owned and possessed a farm of about 230 acres in Gallatin County, near Shawneetown, Ill., in which her two younger children seem to have had an interest. There was a brick dwelling house upon the farm and suitable outbuildings, and the place was in good condition. It was her home and she was supporting her family from the proceeds of the farm which was worked under her direction.

In October, 1861, under an arrangement made by Col. Robert Kirkham of the Fifty-sixth Illinois Infantry, the place was taken possession of for the use of the United States troops who might be sent there. The place was known as Camp Mather; the dwelling house was used for an army hospital and for military headquarters, and the farm for a camp and drill grounds. Mrs. Eddy was to receive \$1,000 a year as rent, together with all damages she might sustain by the occupation of the place. The lease was in writing but was not produced in evidence for it could not be found at the time the evidence was taken. Two witnesses, however, testified that they had seen it and their statements as to its contents were admitted by the board which last investigated the claim. The occupation continued to March 19, 1862, and the Sixth Illinois Cavalry, as well as the regiment of infantry mentioned, were upon the place during this time, and it was also occupied by the Eighty-seventh Illinois Infantry.

Immediately after they left three commissioners were appointed by Colonel Kirkham to ascertain and report the damage and injury done to the place, one of these commissioners seems to have been named by Mrs. Eddy. They reported that there was justly due her \$2,869 as damages. This result was at first accepted and Mrs. Eddy states that she received a voucher for the amount of the award, but in some way, not clearly stated in the record, the payment of the voucher was stopped, the Government failed to carry out the action of the board, and other commissioners were appointed who, it is charged, made but a partial examination of the case and decided that there was but \$509.50 due Mrs. Eddy, which she received; but there is no evidence that she accepted it as a settlement, and she certainly was not satisfied with it and continued her efforts to obtain a larger amount.

She and her son claimed that this commission was authorized to report only as to the wood used by the troops, the former report not stating in words the quantity consumed. One of her sons was in the Army when the camp was established upon the place, and she could not remain there after its occupation by the troops and removed to the neighboring town. She did not write to him about her troubles because she did not wish to make him dissatisfied. He went home on a short visit about 2 years later, and finding what her situation was urged her to continue her efforts. She at last wrote a personal letter to President Lincoln January 16, 1865, and stated her case very fully and in an earnest and feeling manner. A copy of it is among the papers sent to the committee from the War Department. It is indorsed as follows:

Respectfully referred to Major-General Hooker, Comdg. Northern Department.

W. A. NICHOLS,
Asst. Adjt. Gen'l.

A. G. OFFICE, Jan. 31, 1865.

Through successive references and indorsements it reached the headquarters of the district of Illinois at Cairo, where E. T. Sprague, the colonel commanding, as directed by Brigadier-General Crook, appointed a board of investigation. His order reads as follows:

SPECIAL ORDER }
No. 33. }

Capt. G. M. Humphrey and M. C. Nichols, Forty-second Wisconsin Volunteers, are hereby appointed a board for the investigation of the claim of Mrs. Mary J. Eddy, of Shawneetown, Ill., against the United States. They will proceed to Shawneetown, Ill., without delay, investigate and report according to instructions furnished them. Quartermaster Department will furnish necessary transportation.

By order of Col. E. T. Sprague, commanding post.

T. S. KIDD,
First Lieutenant and Acting Assistant Adjutant-General.

The following is a copy of the instructions:

HEADQUARTERS, CAIRO, ILL., February 10, 1865.

Capt. G. M. Humphrey, acting assistant inspector-general, and Capt. M. C. Nichols, both of the Forty-second Wisconsin Volunteers, will constitute the board ordered by Brigadier-General Cook to investigate this case. They will visit Mrs. Eddy, will inspect the premises mentioned personally, take reliable testimony as to their condition when taken for Government use and as to the nature and amount of damages, and report thereon in detail item by item. They will report separately on the value of the rent of the premises and the time the same were used. One clerk is allowed the board.

E. T. SPRAGUE,
Colonel, Commanding Post.

The board visited the farm February 14, 1865, took the testimony of a number of witnesses, and made a report based thereon, and found that there was due to Mrs. Eddy the sum of \$2,749.66, less the amount of \$759.50, which she had received (\$250 as rent and \$509.50 on the report of the second board), leaving \$1,990.16, the amount mentioned in the act of the House, which has been referred to the committee.

This report reached Colonel Sprague and was forwarded by him, February 24, 1865, to General Cook and reached General Hooker in due course, March 1, 1865, who sent it to the War Department, and it reached the Inspector-General's Office. This officer, Col. J. A. Hardie, decided that no relief could be given except by the action of the Congress, as the case had been closed in the Department when the Government had settled upon the former award. His order is dated March 10, 1865.

The death of President Lincoln followed soon after, and the action of Colonel Hardie stopped all further proceedings without an opportunity of further appeal to him to carry to a conclusion the proceedings he had set in motion after receiving her complaint. The War Department having decided that its jurisdiction was exhausted and that Congress alone could give her relief, Mrs. Eddy had a bill introduced in her behalf in the House of Representatives and a like bill in the Senate of the Forty-third Congress in 1874, but no report was made upon either. In the Forty-fourth Congress her petition was presented asking for relief, and was referred, with a bill in her behalf, to the Committee on Military Affairs of the House, but no further action was taken. Bills of a similar tenor have been introduced in the House of Representatives of nearly every Congress since then in her behalf during her lifetime, and in behalf of her heirs since her decease. In one instance an adverse report was made upon the ground that the original claimant was bound by the action which was taken upon the report of the second board of commissioners.

In the Forty-ninth Congress, and again in the last, favorable reports were made based upon the report of the commissioners appointed upon the action of President Lincoln, but no action was taken by the House of Representatives upon either report. During the present Congress the case has again come before the House and another favorable report has been made by the Committee on War Claims. Upon this report the bill before us was there passed and is now before us for consideration and action.

The report of the board of commissioners seems to be sustained by abundant testimony.

The claim arose in a Northern State, away from the immediate theatre of the war. The original claimant was entitled to the protection of her contract. The amount found by the board was due her thereunder. She exercised reasonable diligence in pressing her claim during her lifetime, and so have her heirs since her decease.

The committee therefore recommend that the bill as it has come from the House do pass.

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